

SENATE BILL 40

By Jackson

AN ACT to amend Tennessee Code Annotated, Title 53, Chapter 8 and Title 68, Chapter 14, relative to warning statements regarding the use of trans fat by food service establishments.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 14, Part 3, is amended by adding the following as a new section thereto:

§ 68-14-328.

(a) Any food service establishment, the operation of which requires a permit issued by the commissioner, that offers for sale food containing artificial trans fat shall indicate on its menu which foods contain artificial trans fat and include a warning statement regarding the health risks associated with trans fat. The department shall promulgate an appropriate uniform warning statement regarding the health risks associated with trans fat, which food service establishments shall use in order to satisfy the requirements of this section.

(b) For the purposes of this section, a food shall be deemed to contain artificial trans fat if the food is labeled as, lists as an ingredient, or has vegetable shortening, margarine, or any kind of partially hydrogenated vegetable oil. However, a food whose nutrition facts label or other documentation from the manufacturer lists the trans fat content of the food as less than 0.5 grams per serving shall not be deemed to contain artificial trans fat.

(c) The commissioner shall include compliance with this section as an element of the inspections authorized by § 68-14-303(4).

(d) This section shall not apply to child care center food service establishments, congregate meal sites funded through the commission on aging and disability that are food service establishments, or school food services establishments.

SECTION 2. Tennessee Code Annotated, Section 68-14-302(4), is amended by adding the following as an appropriately designated subdivision:

(T) Failure to identify foods containing trans fat and place a trans fat warning on the menu as required by § 68-14-328 (food service).

SECTION 3. For purposes of promulgating a warning this act shall take effect on July 1, 2007. For all other purposes this act shall take effect on July 1, 2008, the public welfare requiring it.